

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE

WRIT PETITION NO. 7163 OF 2007

Vitthal Kisan Thorat Petitioner

versus

The state of Maharashtra & ors..... Respondent.

Mr. S.P.Kadam for the petitioner

Mr. Y.D. Mulani AGP for Respondent nos. 1 and 2.

Mr. S.S. Salunkhe for Respondent no.3.

CORAM; A.P. DESHPANDE, J.
DATED; 26TH SEPTEMBER, 2007

P.C.;

1. Nomination form of the petitioner came to be rejected on the ground that the petitioner has not supplied the sugar cane to the sugar factory of which the election is the subject matter. The procedure for conducting the election is regulated by Maharashtra Specified Co-operative Societies (Elections to Committee) Rules 1971. The order passed by the election officer was challenged by filing an appeal and after dismissal of the appeal, the present writ petition has been filed.

2. Perusal of the election programme issued on 26-7-2007 under Rule 16 of the Rules reveal that all the stages upto the withdrawal of the nomination are over. It is not possible to decide the writ petition

without obstructing the election process, which is impermissible in law. Hence at this stage, I declined to interfere with the impugned order. Writ Petition stands summarily dismissed. However it shall be open for the petitioner to file appropriate election petition.

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